

REMARKS

On page 3, in numbered paragraph 6 of the Office Action, the Examiner rejected Claims 21 – 28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the Claims 21 – 36 of copending application 09/747,529. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because the jacquard loom recited in 09/747,529 and the dobby loom recited in this application can be used to produce the same simple fabric construction. This rejection is provisional because neither this application nor copending application 09/747,529 is patented. In view of the fact that the copending application is on appeal, it seems premature to submit a terminal disclaimer. Should the Examiner indicate that the application would be allowable except for the double patenting rejection, then the undersign will submit a terminal disclaimer in quick fashion.

On page 3, in numbered paragraph 7 of the Office Action, the Examiner rejected Claims 21 – 28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the Claims 1 – 15 of copending application 09/837,093. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because the cam loom recited in 09/837,093 and the dobby loom recited in this application can be used to produce the same simple fabric construction. This rejection is provisional because neither this application nor copending application 09/837,093 is patented. In view of the fact that the copending application has been abandoned, this rejection is now moot.

On page 3, paragraph 9 of the Office Action, the Examiner rejects all the claims under 35 U.S.C. 103 as being unpatentable over Hobson in view of Carpenter et al. The Examiner sets forth many of the features of both Hobson and Carpenter et al. and concludes that it would have been obvious of one of ordinary skill in the art to chose various printed designs, as well as chose where to place the printed image on the Hobson product to create various printed products which are visually and aesthetically pleasing to consumers. This rejection is respectfully traversed for the following reasons.

Claim 21 is the only independent claim. The following table sets forth the elements of claim 21 and views these with respect to the rejection of Hobson vs. Carpenter. Claim 21 starts by calling for weaving a towel on a dobby loom using at least 2 different colors. While Hobson teaches the use of a dobby loom in the production of his fabric, Carpenter, on the other hand prefers the use of a jacquard loom as item 26. It is unclear how the Examiner intends to combine Carpenter with Hobson since the two inventions each disclose and prefer the use of different weaving looms. These teachings are like oil and water and are not meant to be mixed.

Claim 21 calls for a border having a first color that is woven adjacent each edge on one side of the towel. Neither Hobson nor Carpenter has this feature. The Examiner notes that Hobson has a product that can have blue floral "borders" on one side and gold floral "borders" on the opposite side. However, these are not borders. These are merely stripes. A border is something that goes continuously around the entire edge of the product, as clearly set forth in Claim 21. Claim 21 states that the border is adjacent "each edge". It is clear that the floral stripes of Hobson are only adjacent 2 edges but are not adjacent the third and fourth edge of a two-dimensional product. Furthermore, there is no way one skilled in the art can modify Hobson or Carpenter and place a "border" on all edges without totally ignoring the teachings of these references.

Claim 21 continues by stating that a border having a second color is adjacent each edge of the towel on its other side. Again neither Hobson nor Carpenter has this for the same reason set forth above, i.e., Hobson/Carpenter teaches stripes but not borders adjacent "each edge" of the towel.

Claim 21 continues by stating that the towel has a central area within the borders on both sides of the towel. While there is central area in any two-dimensional product, this central area claimed in Claim 21 must be within the borders. The lack of borders by both Hobson/Carpenter makes the location of the central area on the towel unclear to those skilled in the art.

Claim 21 continues by stating that the central area on one side is in a first color while the central area on the other side is in a second color. Neither Hobson nor Carpenter teach that the color on a towel is such that the central area on a first side and the borders on the second side are of one color while the central area of the second side and the borders of the first side are of a second color. This is how Devant sets up the Dobby loom to make the Edge towel.

Lastly, Claim 21 calls for forming a graphic impression in the central area on one of the sides. Neither Hobson nor Carpenter has a graphic impression in the central area. As stated clearly in the response of November 20, 2002 both Hobson and Carpenter print a design on the warp fibers only of a product to be woven. This does not teach Applicant's invention.

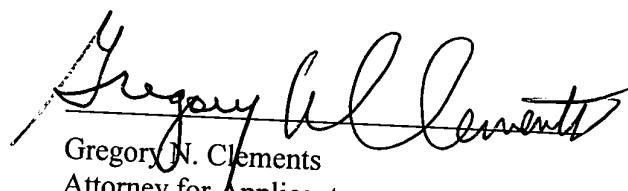
By utilizing the color scheme in claim 21, other objects of the invention can be achieved. This article employs dobby weaving to create an article with a central light colored area, surrounded by a dark border. A design can be printed in the light colored central area of the first side. The dark colored border surrounding the light central area is capable of masking any printed pattern that might overlap onto the border from the central area. This eliminates the need for precise alignment and monitoring that is mandatory in the preprinted filament process. This scheme is present in claim 21, and is also further defined in claim 23.

At the middle of page 5 the Examiner states that in the present case the final product, i.e. a towel with graphic impression, would be produced whether the yarn was printed before weaving or the fabric is woven and then printed. While this statement by the Examiner is in effect trying to explain that product by process claims are looked at differently by the Patent Office, it does not mean that it is obvious to those skilled in the art that yarns that are printed before woven or fabric is woven and then printed are equivalent. In fact, if this were true, then at least one of Hobson in view of Carpenter ought to disclose this feature. The lack of prior art illustrating an invention in which the fabric is woven and then printed is

surprising. All along, Applicant has been criticizing the application of Hobson and Carpenter relative to the present invention. Simply put, if this is the best prior art the Examiner can find relative to the present invention, the present invention sets forth many features not disclosed by these references which are relevant to the patentability of the claims as explained previously.

In view of the above remarks, it is submitted that the present application places the claims in condition for allowance and such is earnestly solicited.

Respectfully submitted,



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NOTES FOR DEVANT DOCKET# 2827

Claim 21

Hobson v. Carpenter	
Weaving a towel on a Dobby loom using at least 2 different colors.	Hobson discloses the use of Dobby looms
	Carpenter prefers the Jacquard loom
Such that a border having a 1 st color is woven adj. each edge on one side thereof.	Neither Hobson nor Carpenter has this.
And a border having a second color is woven adj. each edge of said towel on the other side.	Neither Hobson nor Carpenter has this.
Said towel having a central area woven within the borders on both sides.	There is a central area but no borders.
Said central area on other side is woven with 1 st color.	There is a central area but no borders.
Said central on said one side is woven in a 2 nd color.	There is a central area but no borders.
Forming a graphic impression in said central area on said one side.	Neither Hobson nor Carpenter has this.

Claims 22 – 27 not disclosed by Hobson & Carpenter.

Claim 28 – Hobson mentions shearing (Col. 2, line 33) not blooming.